# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 09/919,594 | 07/31/2001 | Margaret Seiler | 5246 P 003 | 2534 |

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| EXAMINER |
|---|
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| ART UNIT | PAPER NUMBER |
|---|---|
| 2177 | |

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/919,594 | SEILER ET AL. |
| | Examiner | Art Unit | |
| | Harold E. Dodds, Jr. | 2177 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _16 May 2002_.
2a)☐ This action is **FINAL**.      2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-57_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-57_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All  b)☐ Some *  c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _10_.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

## DETAILED ACTION

### *Oath/Declaration*

1.      The oath or declaration is defective.  A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required.  See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

### *Drawings*

2.      The description portion of this application contains a computer program listing consisting of more than three hundred (300) lines.  In accordance with 37 CFR 1.96(c), a computer program listing printout of more than three hundred lines <u>must</u> be submitted as a computer program listing appendix on compact disc conforming to the standards set forth in 37 CFR 1.96(c)(2) and must be appropriately referenced in the specification (see 37 CFR 1.77(b)(4)).  Accordingly, applicant is required to cancel the computer program listing appearing in the specification on pages 64-115, file a computer program listing appendix on compact disc in compliance with 37 CFR 1.96(c) and insert an appropriate reference to the newly added computer program listing appendix on compact disc at the beginning of the specification.

## *Claim Rejections - 35 USC § 102*

3.      The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.      Claims 49-51 and 53 are rejected under 35 U.S.C. 102(e) as being

anticipated by Work (U.S. Patent Application Publication No. US 2002/0059201).

As per independent claim 49, the "...selecting a position from a preexisting set of

positions..." at p. 9, par. 0100, p. 9, par. 0095, and p. 8, 0083.

"...and selecting a skill from a preexisting set of skills..." at p. 9, par. 0100, p. 9, par.

0095, and p. 8, 0083.

"...relating to the selected position..." at p. 9, par. 0100 and p. 8, 0083.

5.      As per claim 50, the "...first selecting a field from a preexisting set of

fields...," is taught by Work at p. 9, par. 0100, p. 13, par. 0154, and p. 8, 0083,

the "...wherein the preexisting set of positions...," is taught by Work at p. 9, par. 0100, p.

9, par. 0095, and p. 8, 0083,

and the "...relate to the selected field from the preexisting set of fields...," is taught by

Work is taught by Work at p. 9, par. 0100, p. 13, par. 0154, and p. 8, 0083.

6.      As per claim 51, the "...preexisting sets of positions, each preexisting set

of positions...," is taught by Work at p. 9, par. 0100, p. 9, par. 0095, and p. 8, 0083,

the "...relating to one field within the preexisting set of fields...," is taught by Work at p.

9, par. 0100, p. 13, par. 0154, and p. 8, 0083,

the "...and preexisting sets of skills, each preexisting set of skills...," is taught by Work at

p. 9, par. 0100, p. 9, par. 0095, and p. 8, 0083,

and the "...relating to at least one position within the preexisting set of positions...," is

taught by Work at p. 9, par. 0100, p. 9, par. 0095, and p. 8, 0083.

7.      As per claim 53, the "...preexisting selection hierarchy is stored in

electronically readable memory...," is taught by Work at p. 9, par. 0095, p. 6, par. 0062,

and p. 4, par 0042.

### Claim Rejections - 35 USC § 103

8.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

9.      Claims 1-6, 9-17, 19-22, 25-35, 37, 39-48, 52, and 54 are rejected under

35 U.S.C. 103(a) as being unpatentable over Work (U.S. Patent Application Publication

No. US 2002/0059201) and McCall et al. (U.S. Patent Application Publication No. US

2002/0059228).

10.     Work renders obvious independent claims 1 and 54 by the following:

"...providing the potential positionee with a positionee information entry interface for

electronically entering positionee information..." at p. 10-11, par. 0121.

"...comprising the potential positionee's actual qualifications..." at p. 3, par. 0028.

"...the positionee information being stored in a database..." at p. 3, par. 0028 and p. 6,

par. 0059.

"...providing the potential positionor with a positionor information entry interface for

electronically entering positionor information..." at p. 1, par. 0003, p. 12-13 at par. 0153,

p. 3, par. 0020, and p. 6, 0068.

"...comprising at least one target qualification for a position..." at p. 8, par. 0083.

"...the positionor information being stored in the database..." at p. 6, par. 0068 and p. 8,

par. 0083.

Work does not teach the correlation of positionee and positionor information,

creating a list of this information, and providing the list for review.

11.     However, McCall teaches the correlation of positionee and positionor

information, creating a list of this information, and providing the list for review as follows:

"...determining whether the positionee information correlates with the positionor

information..." at p. 2, par. 0009 and p. 4, par. 0023.

"...creating a correlated information list of correlated information..." at p. 12, par. 0076

and p. 4, par. 0023.

"...and providing the correlated information for review..." at p. 4, par. 0023 and p.10-11,

par. 0068.

It would have been obvious to one of ordinary skill at the time of the invention to

combine McCall with Work since both Work and McCall teach the use of computers, the

use of databases, the use of networks, the use of the Internet, the use of servers, the

use of queries, the use of job-seekers, the use of potential employers, the use of data

entry, the use of user interfaces, the use of lists, and the use of reports. Work provides

the data entry of job-seeker and potential employer data, the use of user interfaces, and

the use of databases and McCall provides the comparison of job-seeker ad potential

employer data and the production and display of lists containing the comparison data.

12.    As per claim 2, the "...correlated information is provided to the potential

positionee for review...," is taught by McCall at p. 12, par. 0076, p. 2, par. 0009, and p.

10-11, par. 0068.

13.    As per claim 3, the "...correlated information is provided to the potential

positionor for review...," is taught by McCall at p. 12, par. 0076, p. 2, par. 0009, and p.

10-11, par. 0068.

14.    As per claim 4, the "...actual qualifications comprises a skill of the potential

positionee...," is taught by McCall at p. 3-4, par. 0018.

15.     As per claim 5, the "...positionee information is maintained confidential...,"
is taught by Work at p. 6, par. 0068 and p. 10, col. 0120.

16.     As per claim 6, the "...positionee information further comprises contact
information for receiving communication...," is taught by Work at p. 2, par. 18.

17.     As per claim 9, the "positionee information further comprises work history
information...," is taught by Work at p. 6, par. 0068 and p. 2, par. 0018.

18.     As per claim 10, the "...positionee information further comprises education
information...," is taught by Work at p. 6, par 0068 and p. 2, par. 0018.

19.     As per claim 11, the "...actual qualificafions further comprise at least one
skill selected from a positionee skills listing...," is taught by McCall at p. 2, par. 0009 and
p. 12, par. 0079.

20.     As per claim 12, the "...positionee information further comprises at least
one position category...," is taught by McCall at p. 2, par. 0011,

the "...and the actual qualifications further comprise at least one skill...," is taught by
Work at p. 8, par. 0083,

and the "...relating to the position category...," is taught by McCall at p. 2, par. 0011.

21.     As per claim 13, the "...positionor information further comprises positionor
entity information...," is taught by McCall at p. 17, par. 0111.

22.     As per claim 14, the "...of verifying the existence of the potential
positionor...," is taught by Work at p. 11, par. 0126 and p. 1, par. 0003

and the "...using the positionor entity information...," is taught by McCall at p. 17, par.
0111.

23.    As per claim 15, the "...positionor information further comprises the positionor contact information...," is taught by Work at p, 13-14, par. 0171-0172.

24.    As per claim 16, the "...positionor information comprises a plurality of target qualifications for the position...," is taught by Work at p. 8, par. 0083.

25.    As per claim 17, the "...positionor information further comprises salary information required for the position...," is taught by McCall at p. 3, par. 0009 and p. 13, par. 0087.

26.    As per claim 19, the "...positionor information further comprises site location information for the position...," is taught by Work at p. 12, par. 0141.

27.    As per claim 20, the "...positionor information further comprises a position category...," is taught by McCall at p. 2, par. 0009 and page 2, par. 0011.

28.    As per claim 21, the "...position category...," is taught by McCall at p. 2, par. 0011

and the "...comprises at least one skill required for the position...," is taught by Work at p. 8, par. 0083.

29.    As per claim 22, the "...position category...," is taught by McCall at p. 2, par. 0011,

the "...comprises at least one skill that would be nice to have...," is taught by Work at p. 14, par. 0187,

and the "...but not required...," is taught by Work at p. 12, par. 0138.

30.    As per claim 25, the "...target qualifications...," is taught by Work at p. 8, par. 0083

and the "...further comprise at least one skill selected from a positionor skills listing...," is

taught by McCall at p. 2, par. 0009 and p. 14-15, par. 0098.

31.     As per claim 26, the "...target qualifications...," is taught by Work at p. 8,

par. 0083,

the "...further comprise at least one skill selected from a positionor skills listing...," is

taught by McCall at p. 2, par. 0009 and p. 14-15, par. 0098,

the "...wherein the actual qualifications...," is taught by McCall at p. 30, par. 0184 and p.

12, par. 0078,

the "...further comprise at least one skill selected from a positionee skills listing...," is

taught by McCall at p. 14-15, par. 0098,

the "...and wherein the step of determining whether the positionee information correlates

with the positionor information...," is taught by McCall p. 2, par. 0009 and p. 14-15, par.

0098,

the "...comprises determining whether the at least one skill selected from the positionor

skills listing...," is taught by McCall at p. 2, par. 0009 and p. 14-15, par. 0098,

and the "...correlates with the at least one skill selected from the positionee skills

listing...," is taught by McCall at p. 14-15, par. 0098.

32.     As per claim 27, the "...correlated information comprises only potential

positionees for which a correlation has taken place...," is taught by McCall at p. 14-15,

par. 0098 and p. 31-32, par. 0199.

33. As per claim 28, the "...correlated information comprises only potential positionors for which a correlation has taken place...," is taught by McCall at p. 14-15, par. 0098 and p. 2, par. 0009.

34. As per claim 29, the "...positionee selects one or more skills from a skills listing...," is taught by McCall at p. 14-15, par 0098

and the "...to identify actual qualifications...," is taught by McCall at p. 30, par. 0184 and p. 12, par. 0078.

35. As per claims 30 and 32, the "...particular skills can be added and/or deleted to/from the skills listing...," is taught by McCall at p. 22, par. 0141 and p. 30, par. 0184.

36. As per claim 31, the "...positionor selects one or more skills from a skills listing...," is taught by McCall at p. 2, par. 0009 and p. 14-15, par. 0098

and the "...to identity target qualifications...," is taught by Work at p. 8, par. 0083.

37. As per claim 33, the "...positionee information and/or the positionor information can be edited...," is taught by McCall at p. 2, par. 0009 and p. 22, par. 0141.

38. As per claim 34, the "...correlation is determined again...," is taught by McCall at p. 14-15, par. 0098

and the "...after any editing of the positionee information or the positionor information...," is taught by McCall at p. 2, par. 0009 and p. 22, par. 0141.

39. As per claim 35, the "...correlated information...," is taught by McCall at p. 14-15, par. 0098 and p. 2, par. 0009

and the "...is rank-ordered according to ranking criteria...," is taught by Work at p., 14,
par. 0175.

40.     As per claim 37, the "...correlated information list is a trial correlated
information list...," is taught by McCall at p. 14-15, par. 0098 and p. 3-4, par. 0018,
the "...including only the number of correlated potential positionees for a potential
positionor...," is taught by McCall at p. 14-15, par. 0098 and p. 2, par. 0009,
and the "...without an identification of the potential positionees...," is taught by Work at
p. 10-11, par. 0121.

41.     As per claim 39, the "...correlated information list comprises a list...," is
taught by McCall at p. 14-15, par. 0098,

"...of correlated potential positionors for consideration by one of the potential
positionees...," is taught by McCall at p. 2, par. 0009,

the "...wherein the correlated information list...," is taught by McCall at p. 14-15, par.
0098,

the "...further comprises a list of correlated potential positionees for consideration by
one of the potential positionors...," is taught by McCall at p. 14-15, par. 0098 and p. 2,
par. 0009,

the "...and wherein the potential positionee can choose to be removed...," is taught by
McCall at p. 2, 0009 and p. 22, par. 0141,

the "...from the correlated information list...," is taught by McCall at p. 14-15, par. 0098,

and the "...from which the potential positionor considers such potential positionee...," is
taught by McCall at p. 2, par. 0009.

42.    As per claim 40, the "...at least one step of providing is performed over a computer network, such as a LAN or the Internet...," is taught by Work at p. 1, par. 0002.

43.    As per claim 41, the "...method is performed over a computer network, such as a LAN or the Internet...," is taught by Work at p. 1, par. 0002.

44.    As per claim 42, the "...positionee information is inputted over a computer network, such as a LAN or the Internet...," is taught by Work at p. 10-11, par. 0121 and p. 1, par. 0002.

45.    As per claim 43, the "...positionor information is inputted over a computer network, such as a LAN or the Internet...," is taught by Work at p. 1, par. 0003, p. 12-13, par. 0153, p. 3, par. 0020, p. 6, par. 0068, and p. 1, par. 0002.

46.    As per claim 44, the "...correlated information...," is taught by McCall at p. 14-15, par. 0098

and the is provided over a computer network, suoh as a LAN or the Internet...," is taught by Work at p, 1, par. 0002.

47.    As per claim 45, the "...correlated information...," is taught by McCall at p. 14-15, par. 0098

and the "...is provided via e-mail, phone, fax, or letter...," is taught by Work at p. 1, par. 0007.

48    As per claim 46, the "...positionor information further comprises additional information entered by the potential positionor for indicating any other information

relating to the potential positionor...," is taught by Work at p. 1, par. 0003, p. 12-13, par. 0153, p. 3, par. 0020, and p. 8, par. 0090

and the "...which may assist the potential positionee in considering the potential positionor for the position...," is taught by Work at p. 1, par. 0003, p. 14, par. 0187, and p 10-11, par. 0121.

49.    As per claim 47, the "...correlated information list comprises a list of correlated potential positionees...," is taught by McCall at p. 12, par. 0076 and p. 2, par. 0009

and the "...for consideration by one of the potential positionors...," is taught by McCall at p. 23, par. 0149 and p. 2, par. 0009.

50.    As per claim 48, the "...correlated information list comprises a list of correlated potential positionors...," is taught by McCall at p. 12, par. 0076 and p. 2, par. 0009

and the "...for consideration by one of the potential positionees...," is taught by McCall at p. 23, par. 0149 and p. 2, par. 0009.

51.    As per claim 52, the "...wherein fields...," is taught by Work at p. 13, par. 0154,

the "...can be added or deleted...," is taught by McCall at p. 22, par. 0141,

the "...wherein positions...," is taught by Work at p. 8, par. 0083,

the "...can be added or deleted...," is taught by McCall at p. 22, par. 0141,

and the "...and wherein skills can be added or deleted...," is taught by McCall at p. 3-4, par. 0018 and p. 22, par. 0141.

52.     Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Work and McCall as applied to claim 1 above, and further in view of

Perell et al. (U.S. Patent No. 6,658,400).

As per claim 7, the "...positionee information..," is taught by Work at p. 10-11, par

0121,

but the "...further comprises veteran information..." is not taught by either Work or

McCall,

However, Perell teaches the use of veteran information as follows:

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"...Name                         statement of career goals and philosophy
Date of Birth                    awards
Place of Birth                   membership/organizations
Social Security Number           political offices held or sought
Drivers License state and        Military Service (y/n)
number                           If in Service, also provide:
Postal Address                   Date range of service
E-mail Address                   Branch
Membership type (dropdown         Type of discharge
menu)                            Billing information
education                        Password
publications                     Login ID
accomplishments                  (used with password to log into DCVS)
appointments
prior positions..." at col. 11, lines 42-54.
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It would have been obvious to one of ordinary skill at the time of the invention to

combine Perell with Work and McCall since Work, McCall, and Perell teach the use of

computers, the use of databases, the use of networks, the use of the Internet, the use of

servers, the use of queries, the use of job-seekers, the use of potential employers, the

use of data entry, the use of user interfaces, the use of lists, and the use of reports.

Work provides the data entry of job-seeker and potential employer data, the use of user

interfaces, and the use of databases, McCall provides the comparison of job-seeker ad

potential employer data and the production and display of lists containing the

comparison data, and Perell provides veteran and benefits information.

53      As per claim 18, the "...positionor information...," is taught by Work at p. 1,

par. 0005

and the "...further comprises benefits information for the position...," is taught by Perell

at col. 8, lines 64-67.

54      Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Work, McCall, and Perell as applied to claim 1 above, and further in view of Speakman

et al. (U.S. Patent No. 5,991,741).

As per claim 36, the "...correlated information within the correlated information

list...," is taught by McCall at p. 14-15, par. 0098 and p. 2, par. 0009,

the "...is rank-ordered according to one or more of the following criteria...," is taught by

Work at p., 14, par. 0175,

the "...skills that would be nice to have...," is taught by Work at p. 14, par. 0187,

the "...but not required for the position...," is taught by Work at p. 12, par. 0138 and p. 8,

par. 0083,

the "...and veteran information...," is taught by Perell col. 11, lines 42-54,

but the "...special programs information...," is not taught by either Work, McCall, or

 Ferrell.

However, Speakman teaches the use of special programs as follows:

"...The Program Dimension of IN$ITE provides community leaders
with accurate information on the costs of all educational
programs in place in a district or school site such as special

education, education for the gifted and talented, vocational
education, bilingual education, Title 1 and Title 2 education
(Federal educational grants supporting children from poor
families who qualify for free and reduced-price lunches),
technology and innovation programs, summer school programs,
general education and other programs..." at col. 6, lines 62-67
and col. 7, lines 1-3.

It would have been obvious to one of ordinary skill at the time of the invention to combine Speakman with Work, McCall and Perell since Work, McCall, Perell, and Speakman teach the use of computers, the use of databases, the use of networks, the use of servers, the use of queries, the use of job-seekers, the use of potential employers, the use of data entry, the use of user interfaces, the use of lists, and the use of reports. Work provides the data entry of job-seeker and potential employer data, the use of user interfaces, and the use of databases, McCall provides the comparison of job-seeker ad potential employer data and the production and display of lists containing the comparison data, Perell provides veteran information, and Speakman provides the special programs.

55Claims 8 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Work and McCall as applied to claim 1 above, and further in view of Joao (U.S. Patent No. 6,662,194).

As per claim 8, the "...positionee information...," is taught by Work at p. 10-11, par 0121,

but the "...further comprises transportation information for position site availability...," is not taught by either Work or McCall.

However, Joao teaches the use of transportation information and position site availability as follows:

"...For example, the present invention can provide links to information regarding the location of an employer, links to a travel agent, links to transportation companies, rental car companies, hotels and other lodging establishments, as well as links to resume services, employment agencies, recruiters, temporary agencies, etc..." at col. 37, lines 31-36.

It would have been obvious to one of ordinary skill at the time of the invention to combine Joao with Work and McCall since Work, McCall, and Joao teach the use of computers, the use of databases, the use of networks, the use of the Internet, the use of servers, the use of queries, the use of job-seekers, the use of potential employers, the use of data entry, the use of user interfaces, the use of lists, and the use of reports. Work provides the data entry of job-seeker and potential employer data, the use of user interfaces, and the use of databases, McCall provides the comparison of job-seeker ad potential employer data and the production and display of lists containing the comparison data, and Joao provides transportation and position site availability and the posting of employment positions.

56.    As per claim 24, the "...positionor information...," is taught by Work at p. 1, par. 0005

and the "...comprises position posting information for indicating that the position is available...," is taught by Joao at col. 29. lines 6-18.

57.    Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Work and McCall as applied to claim 1 above, and further in view of Speakman.

As per claim 23, the "...positionor information...," is taught by Work at p. 1, par.

0005,

but the "...comprises special programs participation information...," is not taught by

either Work or McCall.

However, Speakman teaches the use of special programs as follows:

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"...The Program Dimension of IN$ITE provides community leaders
with accurate information on the costs of all educational
programs in place in a district or school site such as special
education, education for the gifted and talented, vocational
education, bilingual education, Title 1 and Title 2 education
(Federal educational grants supporting children from poor
families who qualify for free and reduced-price lunches),
technology and innovation programs, summer school programs,
general education and other programs..." at col. 6, lines 62-67
and col. 7, lines 1-3.
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It would have been obvious to one of ordinary skill at the time of the invention to

combine Speakman with Work and McCall since Work, McCall, and Speakman teach

the use of computers, the use of databases, the use of networks, the use of servers, the

use of queries, the use of job-seekers, the use of potential employers, the use of data

entry, the use of user interfaces, the use of lists, and the use of reports. Work provides

the data entry of job-seeker and potential employer data, the use of user interfaces, and

the use of databases, McCall provides the comparison of job-seeker ad potential

employer data and the production and display of lists containing the comparison data,

and Speakman provides the special programs.

58.     Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Work and McCall as applied to claim 1 above, and further in view of Mikurak (U.S.

Patent No. 6,606,744).

As per claim 38, the "...placing an order for a position...," is not taught by either

Work or McCall.

However, Mikurak teaches placing an order for a position as follows:

"...It is now recognized that many functions such as traditional
order entry systems and the like will someday be carried out
over computer networks by allowing a customer to place orders
for goods and services directly with an online service..." at
col. 107, lines 28-32.

"...Describes open opportunities and facilitates matching
potential employees to positions..." at col. 128, lines 60-61.

It would have been obvious to one of ordinary skill at the time of the invention to

combine Mikurak with Work and McCall since Work, McCall, and Mikurak teach the use

of computers, the use of databases, the use of networks, the use of the Internet, the use

of servers, the use of queries, the use of job-seekers, the use of potential employers,

the use of data entry, the use of user interfaces, the use of lists, and the use of reports.

Work provides the data entry of job-seeker and potential employer data, the use of user

interfaces, and the use of databases, McCall provides the comparison of job-seeker ad

potential employer data and the production and display of lists containing the

comparison data, and Mikurak provides placing orders for employment positions.

59.     Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Work (U.S. Patent Application Publication No. US 2002/0059201),

McCall et al. (U.S. Patent Application Publication No. US 2002/0059228), and

Speakman et al. (U.S. Patent No. 5,991,741).

60.     Work renders obvious independent claim 55 by the following:

"...providing the potential positionee with a positionee information entry interface for electronically entering positionee information..." at p. 10-11, par. 0121.

"...comprising whether the potential positionee's..." at p. 3, par. 0028.

"...the positionee information being stored in a database..." at p. 3, par. 0028 and p. 6, par. 0059.

"...providing the potential positionor with a positionor information entry interface for electronically entering positionor information..." at p. 1, par. 0003, p. 12-13 at par. 0153, p. 3, par. 0020, and p. 6, 0068.

"...comprising whether to prospective positioner is participating..." at p. 1, par. 0003 and p. 12, par. 0139.

"...the positionor information being stored in the database..." at p. 6, par. 0068 and p. 8, par. 0083.

Work does not teach the correlation of positionee and positionor information, crealing a list of this information, providing the list for review, and the use of special programs.

61.     However, McCall teaches the correlation of positionee and positionor information, crealing a list of this information, and providing the list for review as follows:

"...determining whether the positionee information correlates with the positionor information..." at p. 2, par. 0009 and p. 4, par. 0023.

"...creating a correlated information list of correlated information..." at p. 12, par. 0076 and p. 4, par. 0023.

"...and providing the correlated information for review..." at p. 4, par. 0023 and p.10-11,

par. 0068.

It would have been obvious to one of ordinary skill at the time of the invention to

combine McCall with Work since both Work and McCall teach the use of computers, the

use of databases, the use of networks, the use of the Internet, the use of servers, the

use of queries, the use of job-seekers, the use of potential employers, the use of data

entry, the use of user interfaces, the use of lists, and the use of reports. Work provides

the data entry of job-seeker and potential employer data, the use of user interfaces, and

the use of databases and McCall provides the comparison of job-seeker ad potential

employer data and the production and display of lists containing the comparison data.

McCall does not teach the use of special programs.

62.     However, Speakman teaches the use of special programs as follows:

"...qualifies for a special program..." at col. 6, lines 62-67 and col. 7, lines 1-3.

"...in the special program..." at col. 6, lines 62-67 and col. 7, lines 1-3.

It would have been obvious to one of ordinary skill at the time of the invention to

combine Speakman with Work and McCall since Work, McCall, and Speakman teach

the use of computers, the use of databases, the use of networks, the use of servers, the

use of queries, the use of job-seekers, the use of potential employers, the use of data

entry, the use of user interfaces, the use of lists, and the use of reports. Work provides

the data entry of job-seeker and potential employer data, the use of user interfaces, and

the use of databases, McCall provides the comparison of job-seeker ad potential

employer data and the production and display of lists containing the comparison data, and Speakman provides the special programs.
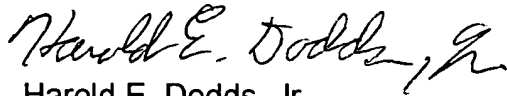
63.     As per claim 56, the "...positionor information comprises whether the potential positionor is participating in...," is taught by Work at p. 1, par. 0003 and p. 12, par. 0139

and the "...one or more of the following special programs: (a) DOC 7-13; (b) MANG; (c) TANF; (d) WOTC; (e) HTF; (f) NAFS; (g) Title 1; (h) International Registry: (i) Sr. Comm. Service Employment Program; and (j) Title 11...," is taught by Speakman at col. 6, lines 62-67 and col. 7, lines 1-3.

### Conclusion

64.     Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (703)-305-1802.  The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703)-305-9790.  The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Business Center (EBC) at 866-217-9197 (toll-free).

Harold E. Dodds, Jr.
Patent Examiner
March 17, 2004

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PRIMARY EXAMINER